

CRM-M-27145-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-27145-2015 (O&M).
Decided on: October 14, 2015.**

Neeraj Jindal

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.A.S.Cheema, Sr. Advocate, with
Mr.R.K.Trikha, Advocate,
for the petitioner.**

Mr.Gazi Mohammad, DAG., Punjab.

Mr.Hitesh Verma, Advocate, for the complainant.

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Anju Garg, alleging that the petitioner had sold 1 kanal 13 marlas of land to the complainant without disclosing that it was not free from encumbrances or that it was mortgaged against loan obtained from State Bank of India.

Counsel for the petitioner has vehemently urged that the plot which was sold by the petitioner to the complainant stood never mortgaged with any bank. A clear title had been transferred to the complainant.

Counsel for the complainant Mr.Hitesh Verma, Advocate, has intervened at this stage, to oppose the application for

CRM-M-27145-2015 (O&M)

pre-arrest bail.

On asking of the Court, counsel for the complainant has admitted that there are two separate sale deeds executed pursuant to two different properties measuring 1 kanal 13 marlas each. He has stated that it is not clear whether it was the property of Anil Jindal husband of the petitioner or it was the property of petitioner Neeraj Jindal which was mortgaged as such, application for pre-arrest bail should be dismissed.

The Investigating Officer present in the Court has submitted that on the basis of investigation conducted, the plot which was actually sold by the petitioner was not mortgaged with bank.

Application has been opposed on the ground that the original sale deed in favour of the petitioner is required to be recovered. The said document prima facie, does not appear to be relevant for denying the concession of pre-arrest bail to the petitioner.

The petitioner has already joined investigation. The dispute appears to be regarding another property sold to the complainant by brother in law of the petitioner.

The petition is allowed. Interim order dated 14.8.2015 is hereby made absolute subject to all the conditions under Section 438 (2) Cr.P.C.

(M.M.S.BEDI)
JUDGE

October 14, 2015.
rka